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FILED

FEB 05 2008

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION
13

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 FRANCISCO JAVIER GUTIERREZ-
TORRES,

19 Defendant.
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No. CR 08-0046 CW

~~PROPOSED~~ ORDER AND PETITION
FOR WRIT OF HABEAS CORPUS AD
PROSEQUENDUM

22 TO: The Honorable Maria-Elena James, United States Magistrate Judge for the
23 Northern District of California:

24 The United States of America, by Assistant United States Attorney Chinhayi Coleman,
25 respectfully petitions the Court to issue a Writ of Habeas Corpus Ad Prosequendum for the
26 prisoner FRANCISCO JAVIER GUTIERREZ-TORRES. The prisoner is requested to appear in
27 the above-referenced matter before Honorable Wayne D. Brazil, United States Magistrate Judge,

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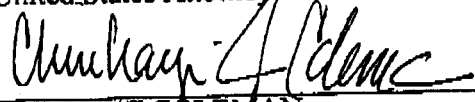
WRIT AD PROSEQUENDUM
CR 08-0046 CW

1 1301 Clay Street, Courtroom #4, Oakland, California on February 29, 2008 at 10:00 am. His
2 place of custody and jailor are set forth in the attached writ.

3
4 DATED: February 5, 2008

Respectfully submitted,

5 JOSEPH P. RUSSONIELLO
United States Attorney

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7 CHINHAYI COLEMAN
8 Assistant United States Attorney

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10 IT IS SO ORDERED.

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12 DATED: February 5, 2008

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14 HON. MARIA-ELENA JAMES
15 United States Magistrate Judge
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THE PRESIDENT OF THE UNITED STATES OF AMERICA

To: **FEDERICO ROCHA**, United States Marshal for the Northern District of California;
any of his authorized deputies; and the Jailor, Warden or Sheriff of the Calipatria State
Prison, Calipatria, California:

GREETINGS

WE COMMAND that on February 29, 2008, at 10:00 am, you have and produce the
body of FRANCISCO JAVIER GUTIERREZ-TORRES, CDC # V042323, who is in your
custody in the herein above-mentioned institution, before the United States District Court in and
for the Northern District of California, in the courtroom of Honorable Wayne D. Brazil, United
States Magistrate Judge, 1301 Clay Street, Courtroom #4, Oakland, California, in order that
FRANCISCO JAVIER GUTIERREZ-TORRES may then appear in District Court upon charges
heretofore filed against him in the above-captioned case, and that immediately after said hearing
to return him forthwith to the above-mentioned institution, or to abide by such order of the
Court as shall thereafter be made concerning the custody of said prisoner, and further to produce
said prisoner at all times necessary until the termination of proceedings in this Court;

IT IS FURTHER ORDERED that should the local or state custodian release from its
custody the above-named person, he be immediately delivered and remanded to the United
States Marshal and/or his authorized deputies under this Writ.

WITNESS the Honorable, United States Magistrate Judge for the Northern District of
California.

Dated: February 5, 2008

CLERK, UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

By: 

BRENDA TOLBERT

DEPUTY CLERK